

## APPENDIX III



### COASTAL ZONE MANAGEMENT CONSISTENCY DETERMINATION

## Florida Coastal Zone Management Program Federal Consistency Evaluation Procedures

### 1. Chapter 161, Beach and Shore Preservation.

The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The proposed work project would supplement the sand beach budget by placing the dredged material either in the littoral drift zone or on beach. This would comply with the intent of this Chapter.

### 2. Chapters 186 and 187, State and Regional Planning.

These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the State's future. Its purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed work has been coordinated with the State without objection.

### 3. Chapter 252, Disaster Preparation, Response and Mitigation.

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The dredging will protect the navigation channel which could be used in emergency situations for transportation purposes. Placing the material on the beach will help protect the adjacent properties during storm surges. Therefore, this work would be consistent with the efforts of Division of Emergency Management.

### 4. Chapter 253, State Lands.

This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands;

mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The maintenance dredging the St. Lucie Inlet and use of Hobe Sound State Park Beach as a disposal site have been previously accomplished. The use of these State lands has been approved by the State. The proposal would comply with the intent of this chapter.

5. Chapters 253, 259, 260, and 375, Land Acquisition.

This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: Since the affected property already is in public ownership, this chapter would not apply.

6. Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The beach placement would be help preserve the eroding shorelines along the Hobe Sound National Wildlife Refuge and the St. Lucie Inlet State Park. Therefore, this work would comply with this Chapter.

7. Chapter 267, Historic Preservation.

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: The maintenance of existing navigation channels and use of the disposal areas has been coordinated with the State Historic Preservation Officer. Procedures will be implemented to avoid impacts on unknown archeological resources within the navigation channel. Therefore, the work will be consistent with the goals of this chapter.

8. Chapter 288, Economic Development and Tourism

This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The maintenance dredging of the navigation channel encourages development and economic growth of the area. The additional material

placed on the beach helps preserve recreational uses of the beach for tourism. Therefore, the work would be consistent with the goals of this chapter.

9. Chapters 334 and 339, Public Transportation.

This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

Response: The maintenance dredging of the navigation channel promotes safe commercial navigation.

10. Chapter 370, Saltwater Living Resources.

This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fishermen and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and, to conduct scientific, economic, and other studies and research.

Response: The maintenance dredging of this area would not adversely affect saltwater living resources. Based on the overall impacts of the work, the work is consistent with the goals of this chapter.

12. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: No living land or freshwater resources would be impacted by the maintenance dredging. Therefore, the work would comply with the goals of this chapter.

13. Chapter 373, Water Resources.

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This work does not involve water resources as described by this

chapter.

14. Chapter 376, Pollutant Spill Prevention and Control.

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: This work does not involve the transportation or discharging of pollutants. Condition will be placed in the contract to handle any inadvertent spill of pollutants. Therefore, the project would comply with this Act.

15. Chapter 377, Oil and Gas Exploration and Production.

This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This work does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore does not apply.

16. Chapter 380, Environmental Land and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

Response: The maintenance dredging of the navigation channel has been coordinated with the local regional planning commission. Therefore, the work would be consistent with the goals of this chapter.

17. Chapter 388, Arthropod Control.

This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The work would not further the propagation of mosquitoes or other pest arthropods.

18. Chapter 403, Environmental Control.

This chapter authorizes the regulation of pollution of the air and waters of the state by the DEP.

Response: The DEP issued a water quality certification for the project. No air pollution permits are necessary for the project. Effects of the operation of

construction equipment on air quality would be minor. Therefore, the work is complying with the intent of this chapter.

19. Chapter 582, Soil and Water Conservation.

This chapter establishes policy for the conservation of the state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both onsite or in adjoining properties affected by the work. Particular attention will be given to work on or near agricultural lands.

Response: The proposed work is not located near or on agricultural lands. Conditions will be placed in the contract to control erosion of uplands. Therefore, the project would comply with this chapter.